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EXAMINER

HARRIS, ANTON B

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 07 18 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,615

Applicant(s)

MURR ET AL.

Examiner

Anton B Harris

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 16 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-9 and 11-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
- see the attached detailed Office action for a list of the certified copies not received
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-942)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s)
- 4) ☐ Interview Summary (PTO-414) Paper No(s)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12, 13, 15, 19, 21-23, 25, 29, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by German (5,168,995).

Regarding claim 12, German (figure 4) discloses an electrical component cover comprising:

a body section having opposite peripheral edges 24, opposed end edges and a planar top surface 32 extending therebetween, the top surface configured to form a vacuum seal with a tool, a flange 26 provided along at least one of the peripheral edge 24 of the body section, the flange being configured to prevent movement of an upper end of an electrical component relative to the body section in at least one direction parallel to the top surface 32, and a release arm 28 integrally formed with at least one of the opposed end edges of the body section, the release arm 28 being configured to releasably retain an electrical component 40.

Regarding claims 13 and 23, German (col. 2, lines 55-68) discloses a component retention member 28 including a release arm 28 normally biased toward an electrical component 40 and deflectable in an opposite second direction away from an electrical component 40.

Art Unit: 2831

Regarding claims 15 and 25, German (figure 4) clearly discloses the release arm 28 is oriented at a retention angle to, and extending downward from, said planar top surface 32, said release arm 28 having a lever 30 extending upward from the planar top surface 32, the release arm 28 being deflectable from the retention angle to release an electric component 40.

Regarding claims 19 and 29, German (figure 4) clearly discloses the body section with opposite ends molded integral with end walls of the component retention member 30, the end walls extending in a direction transverse to a plane containing the top surface 32, the end walls extending laterally along the opposite ends.

Furthermore, the limitation of "said body section is injection molded" has been considered, but does not result in a structural difference. The presence of process limitations in product claims, which product does not otherwise patentably distinguish over prior art, cannot impart patentability to that product. In re Stephens, 145 USPQ 656 (CCPA 1965).

Regarding claim 22, German (figure 4) discloses an electrical component cover comprising:

a body section having peripheral edges 24 and a planar top surface 32 extending between the peripheral edges, the top surface configured to form a vacuum seal with a tool, and a release arm 28 integrally formed with at least one of the at least two opposed edges of the body section, the release arm 28 being configured to releasably retain an electrical component 40 and configured to engage an electric component to hold an electric component a desired distance

CLAIM THE BODY SECTION

Regarding claim 31, German (figure 4) clearly discloses that the top surface 32 is rigid and planar

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4, 6-8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over German in view of Dechelette (4,512,619).

Regarding claim 1, German (col. 2, lines 17-44) discloses a cover 10 comprising:

a body section having a top surface 32 configured to form a vacuum seal with a tool; and
a component retention member 30 connected to an end of said body section.

with an end of the body section, but lacks a stamped metallic body.

Dechelette (claim 9, line 11) teaches a stamped metallic body.

Art Unit: 2831

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the release arm of German by providing a stamped metallic body in order to receive an insulated wire in view of the teachings of Dechelette.

Regarding claim 2, German (col. 2, lines 55-68) discloses a component retention member 30 including a release arm 28 normally biased toward an electrical component 40 and deflectable in an opposite second direction away from an electrical component 40.

Regarding claim 3, German (col. 2, lines 60-63) discloses a component retention member 30 including a catch surface (between the insides of both reference #'s 28) configured to be secured to the sides of the electric component 40, but lacks being secured to the bottom of an electric component. It would have been an obvious matter of design choice to modify the component retention member of German by providing a catch surface configured to be secured to the bottom of an electric component, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Regarding claim 4, German (figure 4) clearly discloses a component retention member 30 including a release arm 28 oriented at a retention angle to, and extending downward from, said top surface 32, the release arm 28 being deflectable from the retention angle to release an electrical component 40.

Regarding claim 6, German (figure 4) discloses a component release member 30 including a release arm 28 extending in a direction generally perpendicular to said body section and being normally biased to form an angle with respect to said top surface 32, and the release arm 28 being deflectable to form an obtuse angle with respect to the body section to release an

Art Unit: 2831

electrical component, but lacks the angle being no greater than ninety degrees when normally biased.

It would have been an obvious matter of design choice to modify the component retention member of German by providing a release arm having an angle being no greater than ninety degrees when normally biased, since such a modification would have involved a mere change in the size of a component's angle. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Regarding claims 7, German (col. 2, line 60) discloses a stop beam 18 extending from an end of the body section, the stop beam 18 being configured to engage an electrical component 40 to hold an electrical component 40 a desired distance from said body section, but lacks the stop beam being at an acute angle to said top surface.

It would have been an obvious matter of design choice to modify the stop beam of German by providing a stop beam having an acute angle to the top surface, since such a modification would have involved a mere change in the size of a component's angle. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Regarding claims 8, German (figure 4) clearly discloses the body section with opposite ends molded integral with end walls of the component retention member 30, the end walls extending in a direction transverse to a plane containing the top surface 32, the end walls extending laterally along the opposite ends.

Furthermore, the limitation of "said body section is injection molded" has been considered, but does not result in a structural difference. The presence of process limitations in

Art Unit: 2831

product claims, which product does not otherwise patentably distinguish over prior art, cannot impart patentability to that product. In re Stephens, 145 USPQ 656 (CCPA 1965).

Regarding claims 11, German (figure 4) clearly discloses that the top surface 32 is rigid and planar.

5. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over German modified as taught by Dechelette as applied to claim 1 above, and further in view of Miyazawa (5,361,492 cited by Applicant).

Regarding claim 5, German discloses the invention substantially as claimed, but lacks a release arm having a lower ledge bent inward.

Miyazawa (figure 1) teaches a release arm 9 having a lower ledge 11 bent inward.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the release arm of German by providing a release arm having a lower ledge bent inward in order to latch the cover to the connector in view of the teachings of Miyazawa.

Regarding claim 9, the teaching of Miyazawa (figure 1) includes component retention member 9 including a release beam (near reference #11) oriented parallel to a plane containing the body section, the release beam (near reference #11) extending laterally along an end of the body section.

6. Claims 14, 17, 18, 24, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over German.

Regarding claims 14 and 24, German (col. 2, lines 60-63) discloses a component retention member 30 including a catch surface (between the insides of both reference #'s 28)

Art Unit: 2831

configured to be secured to the sides of the electric component 40, but lacks being secured to the bottom of an electric component. It would have been an obvious matter of design choice to modify the component retention member of German by providing a catch surface configured to be secured to the bottom of an electric component, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Regarding claims 17 and 27, German (figure 4) discloses a component release member 30 including a release arm 28 extending in a direction generally perpendicular to said body section and being normally biased to form an angle with respect to said top surface 32, and the release arm 28 being deflectable to form an obtuse angle with respect to the body section to release an electrical component, but lacks the angle being no greater than ninety degrees when normally biased.

It would have been an obvious matter of design choice to modify the component retention member of German by providing a release arm having an angle being no greater than ninety degrees when normally biased, since such a modification would have involved a mere change in the size of a component's angle. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Regarding claims 18 and 28, German (col. 2, line 60) discloses a stop beam 18 extending from an end of the body section, the stop beam 18 being configured to engage an electrical component 40 to hold an electrical component 40 a desired distance from said body section, but lacks the stop beam being at an acute angle to said top surface.

Art Unit: 2831

It would have been an obvious matter of design choice to modify the stop beam of German by providing a stop beam having an acute angle to the top surface, since such a modification would have involved a mere change in the size of a component's angle. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

7. Claims 16, 20, 26, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over German in view of Miyazawa.

Regarding claims 16 and 26, German discloses the invention substantially as claimed, but lacks a release arm having a lower ledge bent inward.

Miyazawa (figure 1) teaches a release arm 9 having a lower ledge 11 bent inward.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the release arm of German by providing a release arm having a lower ledge bent inward in order to latch the cover to the connector in view of the teachings of Miyazawa.

Regarding claims 20 and 30, the teaching of Miyazawa (figure 1) includes component retention member 9 including a release beam (near reference #11) oriented parallel to a plane containing the body section, the release beam (near reference #11) extending laterally along an end of the body section.

Response to Arguments

8. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection, except as follows:

Art Unit: 2831

Regarding the applicant's position with respect to claims 12 and 22, the Examiner does not agree that German fails to describe that the a body section having peripheral edges and a planar top surface configured to form a vacuum seal with a tool. German (figure 4) discloses the claimed structural limitations.

Furthermore, claims 12 and 22 recite "...to form" and "to prevent". It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). For the reasons discussed above, the rejection of dependant claims 13-20 and 23-31 is maintained.

Regarding the applicant's position with respect to claims 3, 6, 14, 17, 24, and 27 the Examiner does not agree that German modified by a change in size fails to provide that the sidebars would secure to the bottom. It is clearly shown that the angled side bar 30 would contact the bottom when it becomes lengthened.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within THREE MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

Art Unit: 2831

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anton B Harris whose telephone number is (703) 305-4764. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Dean Reichard, can be reached on (703) 308-3682. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-1341.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

abh

7/9/03

 7/14/03
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